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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/776,345

02/12/2004

Kyung-geun Lee

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EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

06/12/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/776,345	<b>Applicant(s)</b> LEE, KYUNG-GEUN	
	<b>Examiner</b> Aristotelis M. Psitos	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-11 is/are allowed.
- 6) ☒ Claim(s) 1,3-9 and 12-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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### **DETAILED ACTION**

Applicant's response of 5/16/08 has been considered with the following results.

The finality of the previous OA is withdrawn, and the amendment of 5/16/08 has been entered.

The following OA is taken.

#### ***Information Disclosure Statement***

The IDS of 6/6/08 has been reviewed and made of record, with the exception of the EP search report since it in itself is NOT prior art.

The submitted TD has been made of record and is approved.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1,3-6,18,19,20,21,24,26,27,31 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Mimnagh.

Mimnagh discloses an optical recording medium – see abstract and title for instance, wherein lead-in, lead-out and user data area are found – see for instance the description of figures 1-4 for instance.

The examiner interprets information W1-W3 as meeting the compatibility information limitation of claim 1 - see for instance the disclosure starting at col. 3 line 62 wrt figure 2 and continuing till col. col. 5 line 33.

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With respect to the ultimate paragraph of claim 1, see for instance the disclosure wrt col. 5 lines 5-33 wherein the optimal writing pattern for CD-WO and CD-E (two different types of record formats) are disclosed.

As far as the examiner interprets independent claim 1 it is met as analyzed above.

With respect to claim 3, obviously the CD-WO is a single pulse strategy, while the CD-E is a multipulse strategy.

Wrt claims 4, 19 and 25, the compatibility information is so located.

With respect to claims 5, 6 and 20, 21 & 26 & 27, the examiner interprets the disclosure wrt figures 2 & 3 - see col. 3 line 62 till col. 5 line 5 as meeting this claim.

With respect to independent claim 18, such is analogous to claims 1 and 3 and is met for the reasons stated above.

With respect to independent claim 24, such is analogous to claim 1 above and is also met for the reasons stated above.

With respect to claim 31, such a combination of bits is interpreted with respect to the write pattern information as discussed with respect to figure 4.

With respect to claim 32, such is met in the above description of fig. 4.

### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

As noted in the above system, there are a variety of cd drive formats, older versions, in which the disclosed product, record medium is compatible with by having appropriate information recorded thereon.

2. Claims 1, 4, 5, 18-20, 24-26, 31 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi ('^7).

Kobayashi discloses and optical record and apparatus for recording/reproducing such. Applicant's attention is drawn to the title and the abstract for instance.

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With respect to the lead-in, lead-out and user data areas of a disc, the examiner interprets such areas as being inherent in the above record/system.

Note that recording velocity and write strategies for a plethora of drives is discussed – see for instance the discussion with respect to figures 3-8 and their associated disclosure.

With respect to claims 4, 5, 19, 20 and 25 and 26 the rmd and its location meet these limitations

With respect to claim 18, such is considered analogous to claim 1 and is met for the reasons stated above.

With respect to claim 24 such is analogous to claim 1 and is also met for the reasons stated above.

With respect to claims 31 and 32 such is considered present – see the discussion with respect to the various control signals/parameters capable of being present.

### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

As noted in the above system to Kobayashi, there are a variety of drive formats see for instance the discussion with respect to figures 7 and 8, i.e. older versions, in which the disclosed product, record medium is compatible with by having appropriate information recorded thereon.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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3. Claims 7,8,12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1, 3-6,18-21,24,26,27,31 and 32 as stated in paragraph 1 above, and further in view of Lim.

Such formats are well known in this environment – see for instance the discussion with respect to figure 5 of Lim.

With respect to claim 8, the summed rf signal is interpreted as the sum signal.

It would have been obvious to modify the base system of Mimmagh with the additional teachings from Lim, motivation is to permit the base system to use well known formats and hence increase the base reference's recording marketability.

4. Claims 3, rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 as stated in paragraph 2 above, and further in view of the DVD specification, July version 1.9. The examiner does not have a copy of such a version. If applicant has a copy handy, submission of such would be greatly appreciated.

The multi-pulse,–or single pulse strategies are well known and use of such existing strategies for their inherently capability with the above base system is considered merely an optimization of signal formats available to those of ordinary skill in the art. No unexpected results are seen to occur from selecting such well known pulse strategies.

5. Claims 6,7,8,12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1 as stated in paragraph 2 above, and further in view of Lim.

Such formats are well known in this environment – see for instance the discussion with respect to figure 5 of Lim.

With respect to claim 8, the summed rf signal is interpreted as the sum signal.

It would have been obvious to modify the base system of Kobayashi with the additional teachings from Lim, motivation is to permit the base system to use well known formats and hence increase the base reference's recording marketability.

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***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. EP document 1233409 cited by applicant can also be relied upon to reject independent claims 1, 18 and 24 under 35 USC 102(b) an anticipatory thereof.

***Allowable Subject Matter***

Claims 9-11 are allowed over the art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M. Psitos whose telephone number is (571) 272-7594. The examiner can normally be reached on M-Thur: 6:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aristotelis M Psitos  
Primary Examiner  
Art Unit 2627

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